

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JULIO SUAREZ, DANIEL	:	
BINDERUP, DANIEL MILLER,	:	
FIREARMS POLICY COALITION,	:	
INC. and SECOND AMENDMENT	:	No. 1:21-CV-0710
FOUNDATION,	:	
	:	
Plaintiffs	:	Judge Conner
	:	
v.	:	Electronically Filed Document
	:	<i>Complaint Filed 04/16/21</i>
ROBERT EVANCHICK¹,	:	
Defendant	:	

Motion to Stay Pending Appeal

AND NOW, comes Defendant Commissioner Christopher Paris, through undersigned counsel, and files this Motion to Stay aspects of its July 24, 2024 Order pending his appeal from that order. Specifically, Commissioner Paris seeks a stay of the portion of the order declaring the vehicle provision of 18 Pa.C.S. §6106 facially unconstitutional in all applications and enjoining the Commissioner from enforcing that provision. (Doc. 62 ¶ 3). Pursuant to Local Rule 7.5, the Commissioner will file a brief in support of this motion in the coming days.

Following this Court's order, the State Police investigated the potential impact of the injunction. The State Police, working with other law enforcement

¹ Col. Robert Evanchick was the former Commissioner of the Pennsylvania State Police, and was sued in his official capacity. Col. Christopher Paris is the current Commissioner of the Pennsylvania State Police, and is thus the correct current Defendant by operation of Fed. R. Civ. P. 25(d).

partners throughout the Commonwealth, examined data on Section 6106 enforcement in recent years, as well as related data on the frequency of firearm thefts from vehicles—a common source of crime guns. As will be explained more fully in the forthcoming supporting brief, the data shows that this Court’s ruling, if not stayed, will jeopardize officer safety, complicate hundreds of prosecutions, and provide more opportunities for criminals to steal firearms from vehicles. Undersigned counsel will be submitting declarations in support of this motion for the purpose of explaining how the Section 6106 vehicle provision is enforced and demonstrating the irreparable harm to the State Police and the public if a stay is not granted. But due to a sudden illness of one of the declarants, that process has been delayed. These declarations will therefore be filed simultaneously with the brief.

WHEREFORE, for the reasons further detailed in Defendant’s forthcoming Brief, this Motion should be granted. Defendant has contacted Plaintiffs’ Counsel, who does not concur in this Motion.

Respectfully submitted,

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Date: August 13, 2024

Counsel for Defendant

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CERTIFICATE OF SERVICE

I, Erich T. Greiner, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on August 13, 2024, I caused to be served a true and correct copy of the foregoing document titled *Motion to Stay Pending Appeal* to the following:

VIA ELECTRONIC FILING

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Counsel for Plaintiffs

s/ Erich T. Greiner
Erich T. Greiner
Deputy Attorney General

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	:	
Defendant	:	

I, Erich T. Greiner, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that Plaintiffs' counsel was contacted and *does not concur* in the relief requested in this motion.

s/ Erich T. Greiner
Erich T. Greiner
Deputy Attorney General